



STATE OF ALABAMA

PROCLAMATION

BY THE GOVERNOR

WHEREAS the State of Alabama is under imminent threat of Tropical Storm Alberto over the Gulf of Mexico, which has the potential to make a landfall as a Category 1 hurricane;

WHEREAS this storm is expected to bring torrential rains, with the threat of flooding, storm surge, high winds, and isolated tornadoes in the following counties: Autauga, Baldwin, Barbour, Bibb, Bullock, Butler, Chambers, Chilton, Choctaw, Clarke, Coffee, Conecuh, Coosa, Covington, Crenshaw, Dale, Dallas, Elmore, Escambia, Geneva, Greene, Hale, Henry, Houston, Lee, Lowndes, Macon, Marengo, Mobile, Monroe, Montgomery, Perry, Pickens, Pike, Russell, Sumter, Tallapoosa, Tuscaloosa, Washington, and Wilcox;

WHEREAS it is expected that this storm system will cause significant damage to public and private property and may seriously disrupt essential utility services and systems;

WHEREAS this storm system therefore poses conditions of disaster and of extreme peril to the safety of persons and property within this State; and

WHEREAS it is anticipated that these conditions, by reason of their magnitude, are likely to be beyond the control of the services, personnel, equipment, and facilities of any single county, city and county, or city, and will require combined forces to combat;

NOW THEREFORE, I, Kay Ivey, Governor of the State of Alabama, pursuant to section 8 of the Alabama Emergency Management Act of 1955, Ala. Code § 31-9-8 (1975), as amended, do hereby proclaim that a State of Emergency exists in the State of Alabama and direct the activation of the Alabama Emergency Operations Plan (EOP) and all appropriate annexes. The Alabama Emergency Management Agency State Operations Center, as well as all impacted Alabama Emergency Management Agency Divisions, shall be activated as of 6:00 a.m. CDT, on Sunday, May 27, 2018.

FURTHER, I hereby direct the activation of the Alabama National Guard, and I direct the appropriate state agencies to exercise their statutory authority to assist the affected communities and entities. I also direct the Alabama Emergency Management Agency to make the appropriate assessment of damages and to seek the necessary state and federal assistance for the affected areas.

FURTHER, I hereby proclaim and direct all of the following:

(I)

In accordance with sections 8-31-1 through 8-31-6 of the Code of Alabama, all persons are hereby placed on notice that it is unlawful for any person within the State of Alabama to impose unconscionable prices (i.e., to engage in "price-gouging") for the sale or rental of any commodity or rental facility during the period of a declared State of Emergency.

(II)

Pursuant to 49 CFR 390.23, this declaration of a State of Emergency facilitates a waiver of certain regulations of the U.S. Department of Transportation-Federal Motor Carrier Safety Administration (FMCSA), including, but not limited to, 49 CFR Part 395 (Hours of Service for Drivers) as it relates to providing emergency or disaster related materials, supplies, goods and services, which shall end after the duration of the motor carrier's or driver's direct assistance in providing emergency relief, or 30 days from the initial declaration of emergency, unless sooner terminated, or as otherwise specified in the FMCSA's regulations, whichever is earlier. Motor

carriers that have an Out-of-Service Order in effect may not take advantage of the relief from regulation that this declaration provides under 49 CFR 390.23.

(III)

I instruct the appropriate agencies to take necessary steps and issue the appropriate documents to expedite the movement of vehicles or vehicles and load that are transporting emergency equipment, services and supplies, storm related debris, buildings and construction materials, or temporary emergency buildings and their components.

- a. These documents shall be subject to approval and clearance by the Alabama Department of Transportation and the Alabama Law Enforcement Agency and shall confer specific designated State routes.
- b. Transporters are responsible to ensure that they have proper oversize signs, markings, flags, and escorts as defined in the State of Alabama's rules and regulations.
- c. Insurance requirements shall not be waived.
- d. Nothing in this Proclamation shall be construed to allow any vehicle to exceed the weight limits posted for bridges and like structures, nor shall anything in this Proclamation be construed to relieve any vehicle or the carrier, owner, or driver of any vehicle from compliance with any restrictions other than those specified in this Proclamation, or from any statute, rule, order, or other legal requirement not specifically waived herein.

(IV)

I authorize and direct reimbursement of the actual and necessary lodging expenses incurred by any State employee assigned to and engaged in response and recovery activities during this State of Emergency. If an employee's lodging expenses exceed the per-diem lodging rate set by the U.S. General Services Administration (GSA) for the locality, the expenses in excess of the GSA rate shall be reimbursed only upon certification by the Director of the Alabama Emergency Management Agency that lodging at the GSA rate was unavailable to the State employee within a reasonable distance from the employee's place of duty. Claims for reimbursement for lodging expenses under this Proclamation, whether at, below, or above the GSA-approved rate, must be supported by receipts or other appropriate documentation. To the extent that any provisions of Article 2 of Chapter 7 of Title 36 of the Code of Alabama are inconsistent with this order, such provisions are hereby suspended for the duration of this State of Emergency.

FURTHER, I declare this Proclamation and all subsequent orders, laws, rules or regulations issued pursuant hereto shall remain in full force and effect for the duration of the State of Emergency unless rescinded or extended by Proclamation.



IN WITNESS, WHEREOF, I have hereunto set my hand and caused the Great Seal to be affixed by the Secretary of State at the State Capitol in the City of Montgomery on this 25th day of May, 2018.

Kay Ivey
Governor

ATTEST:

John H. Merrill
Secretary of State